

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101.

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claim(s) **[16]** is/are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter as follows. Claim(s) **[16]** define a **[a**

computer program e.g. a signal, carrier wave] with descriptive

material. While “functional descriptive material” may be claimed as a statutory product

(i.e., a “manufacture”) when embodied on a tangible computer readable medium, a

[signal, carrier wave, etc.] embodying that same functional descriptive

material is neither a process nor a product (i.e., a tangible “thing”) and therefore does

not fall within one of the four statutory classes of § 101. Rather, “signal” is a form of

energy, in the absence of any physical structure or tangible material.

Allowable Subject Matter

1. Claims 1, 4 – 13 and 15 are allowed.
2. The following is an examiner's statement of reasons for allowance:

As to claim 1, the present invention discloses replacing the program clock reference stamps (PCR) by respective modified program clock reference stamps (M-PCR) by scaling the program clock reference stamps (PCR) using a scaling factor that depends on a ratio of an expected time between a video presentation time stamp j and a preceding video presentation time stamp $j-n$ and an actual time between the video presentation time stamp j and the preceding video presentation time stamp $j-n$, where $j > n > 0$, and the expected time is n times the predetermined frame time, thereby forming a time-base modified video stream, wherein a clock unit operative to generate a clock signal locked to the filtered video presentation time stamps (PTS) using an error signal that depends on the scaling factor; the modified program clock reference stamps (M-PCR) being obtained by sampling a counter driven by the clock signal at a moment of receipt of the program clock reference (PCR).

The closest prior art, Lane (US 6,031,960) discloses modifying PCR but does not disclose using the scaling factor of the invention.

Claim 13 is allowable for the same reason stated above.

Claim 15 is allowable for the same reason stated above.

Claim 4 – 12 depend on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

04/09/2010

/O.A/